

ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE  
ATTORNEY GENERAL



ORVILLE B. "BUD" FITCH II  
DEPUTY ATTORNEY GENERAL

January 29, 2009

Thomas S. Burack, Chairman  
Site Evaluation Committee  
NH Department of Environmental Services  
29 Hazen Drive  
Concord, New Hampshire 03301

Re: Application of Granite Reliable Power, LLC  
Docket No. 2008-04

Dear Chairman Burack:

Enclosed for filing with the New Hampshire Site Evaluation Committee with reference to the above-captioned matter please find an original and nine copies of a *Motion for Enlargement of Time to File Responses to Data Requests* on behalf of the State of New Hampshire Fish and Game Department.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read "E. Mulholland", written over a horizontal line.

Evan J. Mulholland  
Assistant Attorney General  
Environmental Protection Bureau  
(603) 271-3679

Enclosure  
cc: Service List

STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE

**RE: APPLICATION OF GRANITE RELIABLE POWER LLC  
FOR CERTIFICATE OF SITE AND FACILITY  
FOR GRANITE RELIABLE POWER WINDPARK  
IN COOS COUNTY  
DOCKET NO. 2008-04**

MOTION FOR ENLARGEMENT OF TIME TO FILE RESPONSES TO DATA REQUESTS

NOW COMES the New Hampshire Fish and Game Department (the "Department"), by and through the office of the Attorney General, and submits this motion, pursuant to N.H. SITE 202.14, for enlargement of time to submit responses to data requests. In support hereof, the Department states:

1. On January 9, 2009 at approximately 5:00 PM, a series of one hundred and twenty-one data requests, most with several sub-requests, were received by undersigned counsel on behalf of the Department. Despite diligent effort, the Department will be unable to produce all the requested documents and responses by January 29<sup>th</sup>.
2. On January 27, 2009 undersigned counsel had a discussion about these data requests, wherein the Department informed counsel for the applicant that not all the responses would be ready by the January 29<sup>th</sup> deadline. Undersigned counsel offered to produce as many responses as were available by the 29<sup>th</sup>, and that the remaining responses would be produced as soon thereafter as possible.
3. Counsel for the applicant refused to accommodate the Department, and has stated that it cannot agree to any extension of time. See Exhibit 1, Correspondence between undersigned and counsel for the applicant.

4. With this motion, the Department offers to make available its witnesses, Mr. Staats and Ms. Kelly, for a further technical session, if necessary and if requested by the applicant.

5. The Department will provide as many responses and documents as possible on January 29, but expects that a few responses will be produced within a few days after January 29, 2009.

WHEREFORE, the Department respectfully requests that the January 29<sup>th</sup> deadline for responding to the applicant's data requests be enlarged by ten days.

Respectfully submitted,

THE STATE OF NEW HAMPSHIRE

By its attorneys,

Kelly A. Ayotte  
Attorney General

Date: January 29, 2008



Evan J. Mulholland, NH Bar No. 18038  
Assistant Attorney General  
Environmental Protection Bureau  
33 Capitol Street  
Concord, New Hampshire 03301  
(603) 271-3679

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has on this day been sent via electronic mail or U.S. mail to the parties on the attached Service List.



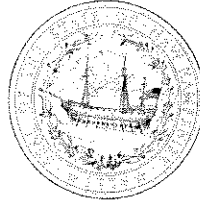
Evan J. Mulholland

# **Exhibit 1**

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

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CONCORD, NEW HAMPSHIRE 03301-6397

KELLY A. AYOTTE  
ATTORNEY GENERAL



ORVILLE B. "BUD" FITCH II  
DEPUTY ATTORNEY GENERAL

FAX (224-2318) AND U.S. MAIL

January 28, 2009

Susan S. Geiger, Esquire  
Orr & Reno P.A.  
1 Eagle Square  
P.O. Box 3550  
Concord, New Hampshire 03302

Re: Application of Granite Reliable Power, LLC  
Docket No. 2008-04

Dear Attorney Geiger:

Thank you for the call yesterday. I write to confirm our agreement that the New Hampshire Fish and Game Department will timely provide as many answers to the data requests propounded on it by the applicant as possible, and that the remaining responses will be provided shortly thereafter.

After review of RSA Chapter 212-A, it is the position of the Department that RSA 212-A:13, III does not bar the Site Evaluation Committee from hearing testimony and evidence on the effect of the proposed project on threatened and endangered species. RSA 162-H:16, IV(c) specifically requires that an applicant show that a project will not have an unreasonable adverse effect on the natural environment, which includes, by any interpretation, the plant and animal species that occur naturally on the project site.

Thank you for your attention to this matter.

Very truly yours,

Evan J. Mulholland  
Assistant Attorney General  
Environmental Protection Bureau  
(603) 271-3679

cc: Steven J. Weber, Senior Biologist, Fish & Game Department

**Mulholland, Evan**

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**From:** Geiger, Susan S. [SGeiger@orr-reno.com]  
**Sent:** Wednesday, January 28, 2009 9:22 AM  
**To:** Mulholland, Evan  
**Cc:** Patch, Douglas L.  
**Subject:** follow-up on phone message

Evan – This is a follow-up to the voice message I just left you. I called and am writing to address the first paragraph of the letter you just faxed to me. This is to clarify that on yesterday's phone call with you, Doug Patch and I did not agree to any extension of the 1/29 SEC-ordered deadline for filing answers to the applicant's data requests in the Granite Reliable Power matter. What we agreed upon was that you would provide as many of the answers as possible by the SEC-ordered deadline. As we told you during yesterday's call, the 1/29 deadline was established in an order issued by the SEC's presiding officer. Thus, you will need to file a motion with the presiding officer of the SEC if you need an extension of that deadline. As Doug and I told you, we cannot agree to an extension of time due to the fact that in order to prepare for the technical session on 2/3, we need to see the answers to our data requests before then. Please let me know if you have any further questions about this matter. Thank you. Susan

**Susan S. Geiger**

**Orr&Reno**

One Eagle Square  
Concord, NH 03301  
Phone: 603.224.2381  
Direct Ext: 603.223.9154  
Fax: 603.223.9054  
[www.orr-reno.com](http://www.orr-reno.com)

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1/28/2009

APPLICATION OF GRANITE RELIABLE POWER, LLC

DOCKET NO. 2008-04

**Service List**

**Sub-Committee Members**

Thomas Getz, Vice Chairman Site Evaluation Committee NH Public Utilities Commission 21 South Fruit St., Suite 10 Concord, NH 03301 <a href="mailto:Tom.Getz@puc.nh.gov">Tom.Getz@puc.nh.gov</a>	Robert Scott, Director Air Resources Division Dept. of Environmental Services 29 Hazen Dr., Box 95 Concord, NH 03302-0095 <a href="mailto:Robert.Scott@des.nh.gov">Robert.Scott@des.nh.gov</a>
Glenn Normandeau, Executive Dir. NH Fish & Game Department 11 Hazen Drive Concord, NH 03301 <a href="mailto:GLENN.NORMANDEAU@WILDLIFE.NH.GOV">GLENN.NORMANDEAU@WILDLIFE.NH.GOV</a>	Donald M. Kent, Administrator NH Natural Heritage bureau 172 Pembroke Road, Box 1856 Concord, NH 03302-1856 <a href="mailto:DONALD.M.KENT@DRED.STATE.NH.US">DONALD.M.KENT@DRED.STATE.NH.US</a>
Michael Harrington, Staff Engineer NH Public Utilities Commission 21 South Fruit St., Suite 10 Concord, NH 03301 <a href="mailto:michael.harrington@puc.nh.gov">michael.harrington@puc.nh.gov</a>	William Janelle, Assistant Director Project Development Department of Transportation PO Box 483 Concord, NH 03302-0483 <a href="mailto:BJANELLE@DOT.STATE.NH.US">BJANELLE@DOT.STATE.NH.US</a>
Jack Ruderman, Deputy Director NH Office of Energy and Planning 4 Chenell Drive Concord, NH 03301 <a href="mailto:JACK.RUDERMAN@NH.GOV">JACK.RUDERMAN@NH.GOV</a>	

## Committee Members Not on Sub-Committee

<p>Thomas Burack, Chairman  Site Evaluation Committee  Department of Environmental Services  29 Hazen Drive, Box 95  Concord, NH 03302-0095  <a href="mailto:Thomas.Burack@des.nh.gov">Thomas.Burack@des.nh.gov</a></p>	<p>Harry T. Stewart, Director – Water Division  Department of Environmental Services  29 Hazen Drive, Box 95  Concord, NH 03302-0095  <a href="mailto:Harry.Stewart@des.nh.gov">Harry.Stewart@des.nh.gov</a></p>
<p>George Bald, Commissioner  Dept. of Resources &amp; Economic Dev.  172 Pembroke Road, Box 1856  Concord, NH 03302-1856  <a href="mailto:george.bald@dred.state.nh.us">george.bald@dred.state.nh.us</a></p>	<p>Brook Dupee  Department of Health &amp; Human Services  Division of Public Health Services  29 Hazen Drive  Concord, NH 03301  <a href="mailto:bdupee@dhhs.state.nh.us">bdupee@dhhs.state.nh.us</a></p>
<p>Director  Division of Parks &amp; Recreation  Dept. of Resources &amp; Economic Dev.  172 Pembroke Road, Box 1856  Concord, NH 03302-1856</p>	<p>Brad W Simpkins, Interim Director  Division of Forests &amp; Lands  Dept. of Resources &amp; Economic Dev.  172 Pembroke Road, Box 1856  Concord, NH 03302-1856  <a href="mailto:brad.simpkins@dred.state.nh.us">brad.simpkins@dred.state.nh.us</a></p>
<p>George Campbell, Commissioner  NH Department of Transportation  7 Hazen Dr., Box 483  Concord, NH 03302-0483  <a href="mailto:GCAMPBELLCOMMISSIONER@DOT.STATE.NH.US">GCAMPBELLCOMMISSIONER@DOT.STATE.NH.US</a></p>	<p>Graham Morrison, Commissioner  NH Public Utilities Commission  21 South Fruit St., Suite 10  Concord, NH 03301  <a href="mailto:Graham.Morrison@puc.nh.gov">Graham.Morrison@puc.nh.gov</a></p>
<p>Clifton Below, Commissioner  NH Public Utilities Commission  21 South Fruit St., Suite 10  Concord, NH 03301  <a href="mailto:Clifton.Below@puc.nh.gov">Clifton.Below@puc.nh.gov</a></p>	



<p><b>Other State Agencies and Officials:</b></p> <p><b>Counsel to the Public:</b></p> <p>Peter C.L. Roth, Esq.  Department of Justice  33 Capitol Street  Concord, NH 03301  <a href="mailto:Peter.Roth@doj.nh.gov">Peter.Roth@doj.nh.gov</a></p>	<p>Timothy Drew, Administrator  Public information &amp; Permitting  Dept. of Environmental Services  29 Hazen Dr., Box 95  Concord, NH 03301  <a href="mailto:Timothy.Drew@des.nh.gov">Timothy.Drew@des.nh.gov</a></p>
<p>Michael J. Walls, Asst. Commissioner  Dept. of Environmental Services  29 Hazen Dr., Box 95  Concord, NH 03301  <a href="mailto:Michael.Walls@des.nh.gov">Michael.Walls@des.nh.gov</a></p>	<p>Tara E. Bamford, Planning Director  North Country Council, Inc.  The Cottage at the Rocks  107 Glessner Road  Bethlehem, NH 03574  <a href="mailto:tbamford@nccouncil.org">tbamford@nccouncil.org</a></p>
<p>Elizabeth H. Muzzey, Director  NH Division of Historical Resources  19 Pillsbury St., 2<sup>nd</sup> Floor  Concord, NH 03301-3570  <a href="mailto:elizabeth.muzzey@dcr.nh.gov">elizabeth.muzzey@dcr.nh.gov</a></p>	<p>Richard A. Roach  US Army Corps of Engineers  New England District  969 Virginia Road  Concord, MA 01742-2751  <a href="mailto:Richard.A.Roach@usace.army.mil">Richard.A.Roach@usace.army.mil</a></p>
<p>Louise Cote, Clerk  Millsfield (Unincorporated Place)]  25 Main Street, Box 190  Errol, NH 03579</p>	<p>Richard C. Erwin, Clerk  Dixville (Unincorporated Place)  1000 Cold Spring Road  Dixville, NH 03576</p>
<p>A Bradford Wyman, Chair  Dummer Board of Selectmen  75 Hill Road  Dummer, NH 03588  <a href="mailto:dummer@ncia.net">dummer@ncia.net</a></p>	<p>Patricia S. Stinson, Clerk  Town of Stratford  PO Box 366  Stratford, NH 03579  <a href="mailto:stinsonp@ncia.net">stinsonp@ncia.net</a></p>
<p>Coos County Commissioners' Office  Po Box 10  West Stewartstown, NH 03597</p>	

<b>Committee Staff:</b>	
Jane Murray, Exec. Sec. Dept. of Environmental Services 29 Hazen Dr., Box 95 Concord, NH 03301 <a href="mailto:jane.murray@des.nh.gov">jane.murray@des.nh.gov</a>	Michael J. Iacopino Brennan Caron Lenehan & Iacopino 85 Brook Street Manchester, NH 03104 <a href="mailto:miacopino@bclilaw.com">miacopino@bclilaw.com</a>
<b>Counsel to the Applicant:</b>	
Douglas L. Patch, Esquire Orr & Reno One Eagle Sq., Box 3550 Concord, NH 03301 <a href="mailto:DPatch@Orr-Reno.com">DPatch@Orr-Reno.com</a>	Susan Geiger, Esquire Orr & Reno One Eagle Sq., Box 3550 Concord, NH 03301 <a href="mailto:Sgeiger@Orr-Reno.com">Sgeiger@Orr-Reno.com</a>

<b>INFORMATION ONLY:</b>	
Chris Jensen NH Public Radio Bethlehem, NH 03574 <a href="mailto:Chris416jensen@aol.com">Chris416jensen@aol.com</a>	Jonathan S. Frizzell PO Box 137 Colebrook, NH 03576-0137 <a href="mailto:jon@waystackfrizzell.com">jon@waystackfrizzell.com</a>

<b>Intervenors:</b>  Lisa Linowes 286 Parker Hill Road Lyman, NH 03585 <a href="mailto:llinowes@windaction.org">llinowes@windaction.org</a>  For: Industrial Wind Action Group	Farrell S. Seiler, Chairman NH Wind Energy Assoc. 134 Main St., Box 693 Littleton, NH 03561 <a href="mailto:windinfo@charter.net">windinfo@charter.net</a>
David Publicover, Sr. Staff Scientist Appalachian Mountain Club Po Box 298 Gorham, NH 03581 <a href="mailto:dpublicover@outdoors.org">dpublicover@outdoors.org</a>	Bill Gabler Clean Power Development 130 Pembroke Road, Suite 100 Concord, NH 03301 <a href="mailto:bill@cleanpowerdevelopment.us">bill@cleanpowerdevelopment.us</a>
Kathlyn J. Keene 22 North Road PO box 163 Jefferson, NH 03583 <a href="mailto:mollydog@ncia.net">mollydog@ncia.net</a>	Jeff Meyers, Esquire Nelson Kinder Mousseau & Saturley 99 Middle Street Manchester, NH 03101 <a href="mailto:jmeyers@nkms.com">jmeyers@nkms.com</a>  For: Clean Power Development
Robert A. Keene 22 North Road PO Box 163 Jefferson, NH 03583 <a href="mailto:rkeene@centralpaper.com">rkeene@centralpaper.com</a>	Jon Odell 128 Middle Street Lancaster, NH 03584 <a href="mailto:jodell49@verizon.net">jodell49@verizon.net</a>
Wayne R. Urso PO Box 90 Errol, NH 03579 <a href="mailto:Wayne@TheUrsos.com">Wayne@TheUrsos.com</a>	Sonya M. Sheldon PO Box 11 Colebrook, NH 03576 <a href="mailto:apeace@localnet.com">apeace@localnet.com</a>